

Masanori HIRANO et al., S.N. 10/565,136
Page 10

Dkt. 2271/75741

REMARKS

The application has been reviewed in light of the Office Action dated December 24, 2008. Claims 1-39 were pending, with claims 23-39 having been withdrawn by the Patent Office from examination. By this Amendment, claims 4, 5, 14, 15, 21 and 22 and withdrawn claims 23-39 have been canceled, without prejudice or disclaimer, claim 1 has been amended to include the features of now-canceled claims 4 and 5, claim 11 has been amended to include the features of now-canceled claims 14 and 15, each of claims 7, 10 and 17 has been amended by rewriting the claim in independent form, claim 6 has been amended to depend from claim 1, and claim 16 has been amended to depend from claim 11. Accordingly, claims 1-3, 6-13 and 16-20 would remain pending upon entry of this amendment, with claims 1, 7, 10, 11 and 17 being in independent form.

Claims 1, 11 and 21 were rejected under 35 U.S.C. § 102(b) as purportedly anticipated by U.S. Patent No. 6,254,217 to Askeland et al. Claims 2-4, 12-14 and 22 were rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Askeland et al. in view of U.S. Patent No. 6,669,319 to Shimizu.

The Office Action also indicates that claims 5-10 and 15-20 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment:

- (a) claim 1 has been amended to include the features of now-canceled claims 4 and 5;
- (b) claim 11 has been amended to include the features of now-canceled claims 14 and 15; and
- (c) each of claims 7, 10 and 17 has been amended by rewriting the claim in

Masanori HIRANO et al., S.N. 10/565,136
Page 11

Dkt. 2271/75741

independent form.

Applicant respectfully submits that independent claim 1 as amended and the claims (2, 3 and 6) depending therefrom are allowable for at least the same reasons that claim 5 rewritten in independent form would have been allowable, and independent claim 11 as amended and the claims (12, 13 and 16) depending therefrom are allowable for at least the same reasons that claim 15 rewritten in independent form would have been allowable.

Further, each of independent claims 7, 10 and 17, the claims (7, 8, 17 and 18) depending therefrom, is now allowable.

In view of the remarks hereinabove, applicant submits that the application is now in condition for allowance, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any required fees in connection with this amendment, and to credit any overpayment, to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400